

Decision 16-08-030

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Silverado Stages, Inc. to modify its CPUC authority, PSC 9069, to operate as a Passenger Stage Corporation between points in San Luis Obispo and Sacramento Counties to Levi's Stadium in Santa Clara County and establish a Zone of Rate Freedom.

Application 16-06-012
(Filed June 30, 2016)

**EXECUTIVE DIRECTOR ORDER GRANTING
APPLICATION**

Summary

This decision grants the application of Silverado Stages, Inc. (PSC 9069), a corporation, pursuant to Pub. Util. Code §§ 1031 et seq., to expand its Certificate of Public Convenience and Necessity (CPC&N) to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish a Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2. This application was filed pursuant to the procedures adopted in Decision (D.)15-05-029.

Discussion

Silverado Stages, Inc. (PSC 9069), (Applicant), provides scheduled Passenger Stage Corporation (PSC) service under a certificate originally granted by Decision D.05-12-005, and modified by D.08-08-022 and D.08-11-016. The certificate authorizes the transportation of passengers and their baggage between points in San Luis Obispo, Sacramento, Kern, Orange, Santa Barbara, Los

Angeles, Alameda, Contra Costa, and San Mateo Counties. The application requests authority to expand the PSC authority to include scheduled service from 1) the City of Sacramento to Levi's Stadium in Santa Clara County, including points in between, 2) the City of Vacaville to Levi's Stadium, including points in between, and 3) the City of San Luis Obispo to Levi's Stadium, including points in between.

Applicant states its service will benefit the public by providing safe and reliable transportation of passengers to the new 49ers Levi's Stadium during the football season, and believes the reduction of private vehicles supports ongoing effort to reduce human and environmental exposure to air pollution. A California Environmental Quality Act review is not required because approval of the application will not have a significant adverse effect on the environment.

Attached to the application as Exhibit E is Applicant's unaudited balance sheet as of December 31, 2015, which discloses assets of \$44,390,618, liabilities of \$27,715,292, and net worth of \$16,675,326.

The proposed fares, listed in Exhibit C of the application, range between \$25 (Gilroy to Levi's Stadium) and \$45 (San Luis Obispo to Levi's Stadium). The application also requests authority to establish a Zone of Rate Freedom (ZORF) of 15% above and below the proposed fares. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in its operations. This highly competitive environment should result in Applicant pricing its services at a reasonable level. D.15-05-029 authorizes a ZORF of 15%.

Notice of filing of the application appeared in the Commission's Daily Calendar on July 1, 2016. Applicant served a notice of the application to the affected cities and counties, and transit authorities.

In Resolution ALJ 176-3381, dated July 14, 2016, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3381. Pursuant to the authority granted to the Executive Director by D.15-05-029, the applicant should be granted a CPC&N to provide the service.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Assignment of Proceeding

Nick Zanjani is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant provides scheduled PSC service under a certificate originally granted by Decision D.05-12-005, and modified by D.08-08-022 and D.08-11-016.
2. The application requests authority to expand scheduled service from 1) the City of Sacramento to Levi's Stadium in Santa Clara County, including points

in between, 2) the City of Vacaville to Levi's Stadium, including points in between, and 3) the City of San Luis Obispo to Levi's Stadium, including points in between.

3. Applicant requests to establish a ZORF of 15% above and below the proposed fares.

4. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations.

5. Applicant served a notice of the application to the affected cities, counties, and transit authorities.

6. No protest to the application has been filed.

7. The application complied with the PSC certification procedures adopted in D.15-05-029.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The Executive Director is authorized to sign, on behalf of the Commission, orders granting PSC certification process adopted in D.15-05-209.

3. The ZORF 15% should be granted because the ZORF is fair and reasonable.

4. Before Applicant changes any fares under the authorized ZORF, Applicant should be required to give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then-currently effective fare between each pair of service points.

5. A public hearing is not necessary.

6. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

7. Because the matter is uncontested, the decision should be effective on the date it is signed.

O R D E R

IT IS ORDERED that:

1. The Certificate of Public Convenience and Necessity granted by Decision D.05-12-005, and modified by D.08-08-022 and D.08-11-016 to Silverado Stages, Inc. (PSC 9069), a corporation, authorizing it to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-9069 of Decision D.08-11-016, is revised by adding Original Page 3A below, subject to the conditions contained in the following Ordering Paragraphs.

2. Silverado Stages, Inc. (PSC 9069), a corporation, shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to

comply with this filing will result in suspension and/or revocation of authority.

- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

3. Silverado Stages, Inc. (PSC 9069), a corporation, is authorized to establish a Zone of Rate Freedom for its expanded services of 15 above and below the proposed medium fare for any route.

4. Silverado Stages, Inc. (PSC 9069), a corporation, shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Silverado Stages, Inc. (PSC 9069), a corporation, may make changes within the Zone of Rate Freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Silverado Stages, Inc. (PSC 9069), a corporation, shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Silverado Stages, Inc. (PSC 9069), a corporation (Applicant), is authorized to begin operating the expanded service on the date that the Consumer Protection and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been

filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. The revised Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation (PSC-9069), granted herein, expires unless exercised within 120 days after the effective date of this decision.

9. The Application is granted as set forth above.

10. This proceeding is closed.

This decision is effective today.

Dated August 29, 2016, at San Francisco, California

/s/ TIMOTHY J. SULLIVAN

Timothy J. Sullivan
Executive Director

* SECTION II. SERVICE AREA.

- A. South
San Luis Obispo
- B. North
Sacramento
Vacaville

SECTION III. ROUTE DESCRIPTIONS.

Blue Route

Commencing from Natomas Marketplace Park & Ride, then over the most convenient streets and highways to Fisherman's Warf, Union Square, San Mateo Park & Ride, then to Levi's Stadium.

Green Route

Commencing from Vacaville Sports Authority, then over the most convenient streets and highways to Concord 24 Hour Fitness, Colma Park & Ride, San Bruno BART, then to Levi's Stadium.

Yellow Route

Commencing from SLO Veteran's Hall, then over the most convenient streets and highways to Paso Robles Target, Soledad McDonalds, Salinas AMTRAK, Gilroy Sports Authority, then to Levi's Stadium